

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

KEVIN S.,¹

Plaintiff,

v.

COMMISSIONER, SOCIAL SECURITY
ADMINISTRATION,

Defendant.

No. 6:18-cv-00269-AC

ORDER

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¹ In the interest of privacy, this Judgment uses only the first name and the initial of the last name of the non-governmental party.

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HERNÁNDEZ, District Judge:

Magistrate Judge Acosta issued a Findings and Recommendation on September 16, 2019, in which he recommends that the Court reverse and remand the Commissioner's decision for further administrative proceedings. The Commissioner timely filed objections to the Findings and Recommendation. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

The Commissioner objects to the Findings and Recommendation because the ALJ's errors were harmless. Objections to F&R, ECF 25. The Court carefully considered the Commissioner's objections and concludes that the objections do not provide a basis to modify the recommendation. I have also reviewed the pertinent portions of the record *de novo* and find no error in the Magistrate Judge's Findings and Recommendation.

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CONCLUSION

The Court adopts Magistrate Judge Acosta's Findings and Recommendation [23]. The Commissioner's decision is REVERSED and REMANDED for further administrative proceedings.

IT IS SO ORDERED.

DATED: December 23, 2019



MARCO A. HERNÁNDEZ
United States District Judge